

58033

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ADMITTED IN
ILLINOIS AND INDIANA

September 21, 1990

Thomas Nash, Esq.
Office of Regional Counsel
United States Environmental
Protection Agency
Region 5
230 South Dearborn Street
Chicago, Illinois 60604

Re: Himco Landfill
Elkhart, Indiana
5HS-12

Dear Mr. Nash:

I represent L & J Press Corporation which has been named a potentially responsible party (PRP) for the cost of investigating and cleaning the Himco, Inc. Dump in Elkhart, Indiana.

This letter will confirm our telephone conference of September 20, 1990, when we discussed the response of L & J Press to the EPA's September 4, 1990 Notice that it intends to take action by connecting the homes located on County Road 10 in Elkhart, Indiana, that currently use private wells to the municipal water supply due to elevated concentrations of sodium.

You indicated in our telephone conference that my verbal response would be noted of record in order to satisfy the seven day response requirement. I am following our conversation with this letter.

L & J Press Corporation answered the EPA's interrogatories on May 19, 1989, and on August 9, 1989. In those answers to interrogatories, L & J Press advised the EPA that the trash which Himco picked up from the company was general refuse which, in the knowledge of the company, did not contain hazardous waste material. Moreover, the company records indicate that its volumetric contribution to the site was extremely low from 1973 (when L & J contracted with Himco,

Thomas Nash, Esq.
Page 2
September 21, 1990

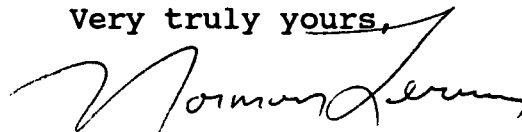
Inc.) to 1977. L & J Press manufactures punch presses and employs approximately thirty-five employees. Enclosed are copies of the company's answers to interrogatories.

Accordingly, L & J Press Corporation does not believe that it contributed any hazardous waste material which now compels the action taken by the EPA. In the event the company's general refuse picked up by Himco, Inc contained hazardous waste material as defined by the EPA, we believe that the company would be classified as a de minimus PRP.

At this time, L & J Press cannot involve itself in any significant manner in contributing to the activities described in the September 4, 1990 Notice. If it is possible to negotiate a resolution of the company's potential responsibility on a de minimus basis with the EPA, the company would be willing to entertain further discussions with you.

Thank you for your cooperation in this matter.

Very truly yours,



Norman J. Lerum

NJL:kes
Enc.

cc: Debbie Fript
U.S. EPA - Region V
230 South Dearborn Street
Chicago, Illinois 60604

Marcia Roberts
L & J Press Corporation
P. O. Box 339
Elkhart, Indiana 46515

Paul Pressler, Esq.
Pressler & Sanders, P.C.
222 South Fifth Street
P.O. Box 1072
Elkhart, Indiana 46515



L & J PRESS CORPORATION

MANUFACTURERS OF OPEN BACK INCLINABLE, GAP
AND STRAIGHT SIDE MECHANICAL POWER PRESSES

1641 STERLING AVE., ELKHART, INDIANA 46515

P. O. BOX 339

AREA CODE 219 294-2694

FAX: 219-295-1391

August 9, 1989

Ms. Susan Swales, 5HSM-12
Superfund Program Management Branch
U.S. Environmental Protection Agency, 5HS-11
230 South Dearborn Street
Chicago, IL 60604

RE: Himco Landfill
Elkhart, Indiana

Dear Susan:

Enclosed please find a copied computer print-out we received from Himco indicating that our participation as a customer of Himco began in October of 1973. We are sending this to supplement our answers to prior interrogatories.

We are, and always have been, a very small company with approximately 35 employees. We do not believe that we are liable under the applicable environmental laws, because, we did not cause hazardous waste material to be shipped to the site. The trash which Himco picked up from our company was general refuse, which, to our knowledge was not hazardous.

In any event, based on our volumetric contribution to the site, and the nature of the trash transported from our facilities, we believe that at most we would be classified as a de minimus PRP.

If we can provide you with additional information or be of further assistance, please contact me.

Cordially,

L & J PRESS CORPORATION

Marcia Roberts

Marcia Roberts
Administrative Assistant

cc: Victor Franklin
Robert Lance
Chuck Himes
Norman Lerum, Esq.

Enclosure

COPY



L & J PRESS CORPORATION

MANUFACTURERS OF OPEN BACK INCLINABLE GAP
AND STRAIGHT SIDE MECHANICAL POWER PRESSES

1641 STERLING AVE. ELKHART, INDIANA 46515

P. O. BOX 339

AREA CODE 219 294 2694

May 19, 1989

Ms. Susan Swales, 5HSM-12
Superfund Program Management Branch
U.S. Environmental Protection Agency, 5HS-11
230 South Dearborn Street
Chicago, Illinois 60604

Dear Susan:

Enclosed please find L & J Press Corporation answers and
Affidavits pertinent to the EPA requests made April 20, 1989.

Sincerely,

L & J Press Corporation

Marcia Roberts
Administrative Assistant

MR/th
Enclosures

L & J PRESS CORPORATION
ANSWERS TO REQUESTS PROPOUNDED BY EPA 5HS-11

1. Dale Kaser,
Director of Purchasing
1/11/67 to present.
L & J Press Corp.
1641 Sterling Ave.
Elkhart, IN 46514

Bill Latzke,
Shipping Clerk 3/4/68 to 8/12/85
Customer Service Mgr., 8/12/85 to present
L & J Press Corp.

Randy Homes,
Shop Foreman
4/16/73 to present
L & J Press Corp.

Dean Rainer,
Former V.P. of Mfg.,
1966 to 4/30/86
L & J Press Corp.
Currently at:
Hoover Lumber & Coal
219-831-2378

Henry Pace,
Former Plant Manager
3/12/53 to 3/30/86
L & J Press Corp.

Frank Lynn
Former Supervisor
L & J Press Corp.
1935 to 1984

Chuck Himes
Himco Waste-Away Svc. Inc.
707 N. Wildwood Avenue
Elkhart, IN 46514

2. A thorough search for records pertaining to trash or waste removal has revealed no documents in existence prior to 1980. All answers contained herein are from the recollection of past and present employees.

3. All applicable current and former employees have been contacted in regard to these requests. Consequently, there is no reason to believe there are any other persons able to provide a more detailed or complete response to any Information Request or Document request contained herein.

4. Typical drilling, tapping, boring, milling, painting procedures according to the amount of production requirements.

5. The exact identity of ingredients used during the years 1960 to 1977 is unknown to the past and present employees of L & J Press Corporation. The following lists the raw materials or products used in Company operations or processes between January 1960 and December 1977.

Raw Materials:

Hot/Cold Rolled Steel
SAE 1045 Forgings
Cast Iron, 40,000 minimum tensile
Ductile Iron

Products used:

Air clutches	Broad variety steel fasteners
Brakes	Black pipe
Roller/Ball bearings	Air line fittings
Bronze bushings	Nylon tubing for air/lube lines
Bronze ball seats	Epoxy type body filler
Electric Motors	Primer sealer
Starters	Polyurethane paint
Relays	Cimcool non-hazardous coolant
Transformers	Cutting oil-less than 1 gal/yr.
Pushbuttons	Lacquer thinner in finished paint preparation
Wire	Brushing enamel
Conduit	
Fittings	

6. Aluminum chips and cut-off pieces, bronze turnings and cuttings, expended carbide, and copper wire ends, were sold to independent scrap dealers. Steel grindings, filings, and pieces were also sold to metal scrap dealers.

7. Himco, Inc. was retained by L & J Press October 11, 1973. Sturgis Iron & Metal Independent scrap dealers, identities unknown.

8. No documents concerning the disposition of waste pick-up are available for the years 1960 through 1977.

9. Prior to the use of Himco, general trash refuse was burned on the premises of L & J Press Corporation.

STATE OF INDIANA:

COUNTY OF ELKHART

A F F I D A V I T

Frank Lynn being duly sworn according to law deposes and says that he was an employee of L & J Press Corporation from 1940 to February 29, 1984 and to the best of his personal knowledge and belief the following statements are true:

That there were no more than a maximum number of 50 employees at L & J Press Corporation during the years of 1960 through 1984.

That L & J Press Corporation did not utilize the services of Himco until late 1960's, or early 1970's.

That prior to the retention of Himco, trash refuse was incinerated on the property of L & J Press Corporation.

That within his knowledge from the time Himco, Inc. began its services to L & J Press until 1984 no material other than general waste material was included in the refuse picked-up for L & J Press Corporation by Himco, Inc.

Further Affiant Sayeth Naught.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 18th DAY

OF MAY, 1989.

Patricia S. Baldwin

NOTARY PUBLIC

Frank Lynn
Frank Lynn
Former L & J Press Employee

NOTARY PUBLIC

STATE OF INDIANA:

COUNTY OF ELKHART

A F F I D A V I T

RANDALL HOMES being duly sworn according to law states and deposes to the best of his knowledge, information, and belief the following statements are true:

That he has been employed by L & J Press Corporation since April 16, 1973.

That his employment with L & J Press Corporation began April 16, 1973 at which time general trash refuse was incinerated on the property of L & J Press Corporation.

That L & J Press Corporation did not utilize the services of Himco, Inc. during the time refuse was incinerated on L & J Press property.

Further Affiant Sayeth Naught.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 19th DAY

OF MAY, 1989.

Patricia L. Baldwin

NOTARY PUBLIC

ELKHART COUNTY

RECEIVED

NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 1, 1991

Randall Homes

Randall Homes

L & J Press Assembly Foreman

STATE OF INDIANA:

COUNTY OF ELKHART

A F F I D A V I T

THEODORE A. BOOP being duly sworn according to law states and deposes to the best of his knowledge, information, and belief the following statements are true:

That he has served as President of L & J Press Corporation since July of 1987.

That a diligent search for any records concerning trash or waste removal has been made and no records were found pertaining Himco, Inc. prior to 1980. Records prior to 1980 had been disposed of as a matter of company policy prior to his employment with L & J Press Corporation.

That careful interviews have been conducted with each and every past and present employee of L & J Press Corporation believed to have any information or knowledge of the operations, hazardous substance use, storage, treatment, disposal of, or other past handling practices of L & J Press Corporation.

That the responses given by L & J Press Corporation to the requests contained in the EPA correspondence dated April 29, 1989 are tendered in accord with my investigation, interviews conducted of past and present employees, and current records.

Further Affiant Sayeth Naught.

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 19th DAY

OF MAY, 1989.

Patricia L. Baldwin

Theodore A. Boop

Theodore A. Boop, President
L & J Press Corporation

NOTARY PUBLIC

NOTARY PUBLIC

ELKHART COUNTY

ELKHART COUNTY

NOTARY PUBLIC EXPIRES MAY 1, 1991